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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

NATHAN BAPTISTA,

Defendants.

CASE NO. 1:24-CR-000143-KES-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
AND ORDER

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through her counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference on June 11, 2025.
2. By this stipulation, defendant now moves to vacate the status conference and to schedule a change of plea for August 4, 2025, and exclude time between June 11, 2025, and August 4, 2025, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government provided discovery to the defense on June 17, 2024. The discovery consisted of law enforcement reports, bodycam footage, photographs and video recordings. As investigation was ongoing, the Government provided additional discovery on July

3, 2024, July 15, 2024, July 29, 2024, September 4, 2024, and October 23, 2024. The most recent discovery consisted of raw data and technical notes from the DNA testing performed in this case. Defense reviewed the raw data and technical notes and assessed how the DNA results impact the case.

b) The parties are continuing to discuss potential resolution of this case via a plea agreement. The Government made a formal plea offer to the defense on September 23, 2024. The defense counsel proposed some changes to the plea offer and the government sent a revised plea offer on May 30, 2025. Defense counsel needs time to discuss the plea offer with his client. The parties believe based on their conversations, they will be able to reach a plea, but request additional time to finalize the terms of the plea agreement.

c) Finally, Defense counsel is continuing to investigate the case, including mitigation evidence that may exist for sentencing purposes. Defense counsel requests additional time to conduct his own independent investigation.

d) The defendant asks the Court to exclude time between June 11, 2025, and August 4, 2025, to account for time to discuss the plea with the Government and defendant, to conduct his own investigation, taking into account the exercise of due diligence. Defense counsel also has an upcoming docketed trial that will require his focus and attention.

e) The government does not object to the continuance.

f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of June 11, 2025 to August 4, 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the

Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: June 3, 2025

MICHELE BECKWITH
Acting United States Attorney

/s/ ARIN C. HEINZ
ARIN C. HEINZ
Assistant United States Attorney

Dated: June 3, 2025

/s/ GRIFFIN ESTES
GRIFFIN ESTES
Counsel for Defendant
NATHAN BAPTISTA

ORDER

IT IS SO ORDERED that the status conference set for June 11, 2025, is vacated. A change of plea hearing is set for **August 4, 2025, at 9:30 a.m. in Courtroom 6 before District Court Judge Kirk E. Sherriff**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv). However, in any request for a continuance, the parties shall explain when they will be ready to set a trial date.

IT IS SO ORDERED.

Dated: **June 4, 2025**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE